

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION - DETROIT**

IN THE MATTER OF:

**WILLIE JAMES PIPPEN, III
LISA PIPPEN, Debtors**

**CHAPTER 13
CASE NO: 09-61354
JUDGE THOMAS J. TUCKER**

**TRUSTEE'S MOTION TO DISMISS FOR DEBTOR'S FAILURE
TO ATTEND § 341 MEETING OF CREDITORS**

NOW COMES the Chapter 13 Standing Trustee, Tammy L. Terry, and files this motion pursuant to 11 U.S.C. §1307(c) and E.D. Mich. LBR 2003-1 (a) and states in support thereof as follows:

1. That this motion is brought pursuant to 11 U.S.C. §1307(c) and E.D. Mich. LBR 2003-1(a)
2. That the debtors' § 341 First Meeting of Creditors was scheduled for **Tuesday, August 18, 2009**. The debtor failed to attend the properly noticed hearing.
3. That the failure of the debtors to proceed in proper prosecution of the current case is the cause of unreasonable delay which is prejudicial to creditors and to the administration of the estate for which the dismissal of the case is appropriate pursuant to 11 U.S.C. § 1307(c)(1).
4. That pursuant to E.D. Mich. LBR 2003-1(a) an announcement of the Trustee's intent to file a motion to dismiss was made at the meeting of creditors.

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5. That the Trustee requests that she be allowed an administrative expense of \$100.00 to be paid after payment of noticing fees to the clerk of the Court to defray the Trustee cost and expense of administering the case to date.

WHEREFORE, the Chapter 13 Standing Trustee prays this Honorable Court enter an Order granting its motion.

November 02, 2009

OFFICE OF THE CHAPTER 13 TRUSTEE - DETROIT

/S/ TAMMY L. TERRY (P46254)

KSS

TAMMY L. TERRY, Chapter 13 Trustee

/S/ KIMBERLY SHORTER-SIEBERT (P49608)

/S/ MARILYN R. SOMERS-KANTZER (P52488)

535 Griswold, Suite 2100

Detroit, MI 48226

(313) 967-9857

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**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
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IN THE MATTER OF:

**WILLIE JAMES PIPPEN, III
LISA PIPPEN, Debtors**

**CHAPTER 13
CASE NO: 09-61354
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**ORDER DISMISSING CASE DUE TO DEBTORS'
FAILURE TO ATTEND §341 FIRST MEETING OF CREDITORS**

This matter came on for hearing upon a motion filed by the Chapter 13 Standing Trustee pursuant to 11 U.S.C. §1307(c) and E.D. Mich. LBR 2003-1(a), a Notice and Opportunity for Hearing having been provided, and the records of the Court reflecting that the relief requested herein is warranted, the facts showing that the debtors' failed to appear at the §341 First Meeting of Creditors properly noticed for **Tuesday, August 18, 2009**; and the Court being otherwise sufficiently advised in the premises; and the Court being otherwise sufficiently advised in the premises;

IT IS HEREBY ORDERED that the above captioned matter is dismissed due to Debtors failure to attend the duly schedule § 341 First Meeting of Creditors;

IT IS FURTHER ORDERED that the clerk's office shall immediately provide notice of the entry of this Order to all creditors listed in this case, the debtors, debtors' attorney, if any, and the Trustee;

IT IS FURTHER ORDERED that the within case is dismissed and the automatic stays issued pursuant to 11 U.S.C. § 362 and 1301 are hereby terminated;

IT IS FURTHER ORDERED that TAMMY L. TERRY, TRUSTEE, is discharged as Trustee and the Trustee and her surety are released from any and all liability on account of the within proceeding;

IT IS FURTHER ORDERED that in the event that the Chapter 13 Plan has not been confirmed, the Trustee shall be allowed an administrative expense of \$100.00 to be paid after payment of fees to the Clerk of the Court to defray the Trustee's costs and expenses of administering the case to date.

EXHIBIT 1

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION - DETROIT**

IN THE MATTER OF:

**WILLIE JAMES PIPPEN, III
LISA PIPPEN, Debtors**

**CHAPTER 13
CASE NO: 09-61354
JUDGE THOMAS J. TUCKER**

**NOTICE OF DISMISSAL FOR DEBTORS' FAILURE
TO ATTEND § 341 MEETING OF CREDITORS**

The Chapter 13 Trustee has filed papers with the court to dismiss the above captioned case for debtors' failure to attend the 341 First Meeting of Creditors on Tuesday, August 18, 2009.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want to dismiss the debtor's case, or if you want the court to consider your views on the Trustee's motion, within 10 days, you or your attorney must

1. File with the court a written response or an answer, explaining your position at *

**United States Bankruptcy Court
211 W. Fort Street, Suite 2100 Detroit, Michigan 48226**

If you mail your response to the court for filing, you must mail it early enough so the court will receive it on or before the date stated above.

You must also mail a copy to:

**OFFICE OF THE CHAPTER 13 STANDING TRUSTEE - DETROIT
ATTN: MOTION DEPARTMENT
535 Griswold, Suite 2100 Detroit, MI 48226**

2. If a response or answer is timely filed and served, the clerk will schedule a hearing on the motion and you will be served with a notice of the date, time and location of the hearing

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion and may enter an order granting that relief.

OFFICE OF THE CHAPTER 13 TRUSTEE - DETROIT

November 02, 2009

/S/ TAMMY L. TERRY (P46254)

TAMMY L. TERRY, Chapter 13 Trustee

/S/ KIMBERLY SHORTER-SIEBERT (P49608)

/S/ MARILYN R. SOMERS-KANTZER (P52488)

535 Griswold, Suite 2100

Detroit, MI 48226

(313) 967-9857

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VS

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION - DETROIT

IN THE MATTER OF:

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LISA PIPPEN, Debtors

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**CERTIFICATE OF ORAL NOTICE TO CREDITOR'S OF
TRUSTEE'S INTENT TO SEEK DISMISSAL**

The undersigned certifies that pursuant to E.D. Mich. LBR 2003-1 (a), the Trustee and/or her authorized representative provided oral notice to Creditors of her intent to seek dismissal at the time of the scheduled §341 First Meeting of Creditors and advised that a creditor opposing the motion or seeking a hearing must file and serve an objection on the Trustee within ten (10) days of the meeting date.

11.2.09

OFFICE OF THE CHAPTER 13 TRUSTEE - DETROIT

/S/ TAMMY L. TERRY (P46254)

TAMMY L. TERRY, Chapter 13 Trustee

/S/ KIMBERLY SHORTER-SIEBERT (P49608)

/S/ MARILYN R. SOMERS-KANTZER (P52488)

535 Griswold, Suite 2100

Detroit, MI 48226

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EXHIBIT 3

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION - DETROIT

IN THE MATTER OF:

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CERTIFICATE OF MAILING OF
TRUSTEE'S MOTION TO DISMISS FOR DEBTORS'
FAILURE TO ATTEND § 341 MEETING OF CREDITORS

I hereby certify that on the date indicated below, copies of **TRUSTEE'S MOTION TO DISMISS FOR DEBTORS' FAILURE TO ATTEND § 341 MEETING OF CREDITORS, NOTICE OF DISMISSAL, and PROOF OF SERVICE** were electronically filed with the Clerk of the Court, served via Electronic Court Filing and/or a copy of same was deposited in the U.S. Mail to debtors' attorney (if any) or the debtors' , if unrepresented, at the address as it appears below.

11/5/09

OFFICE OF THE CHAPTER 13 TRUSTEE - DETROIT

MARRS & TERRY
6553 JACKSON RD
ANN ARBOR, MI 48103

/S/ PATRICE FORD
Chapter 13 Standing Trustee Clerk
535 Griswold, Suite 2100
Detroit, MI 48226
(313) 967-9857
mieb_ecfadmin@det13.net

WILLIE JAMES PIPPEN, III
LISA PIPPEN
1426 RUE WILLETTE BLVD
YPSILANTI, MI 48198